

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 24, 2008**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J.  
(Assigned) and S. Lui, Deputy Clerk.

B193621      In re Marriage of Sullens

Argument waived, cause submitted.

B198008      Alden  
v.  
Case Financial, Inc.

Merits:  
Argued by Nick A. Alden for appellant and by no appearance for  
respondent. Cause submitted.

B197960      Wedemeyer  
v.  
Safeco Insurance Company of America

Merits:  
Argued by Lowell R. Wedemeyer for appellant and by R. Lawrence Bragg  
for respondent. Cause submitted.

Mallano, Acting P.J. leaves the bench.

DIVISION ONE (continued)

B200827      PCCP LB Studio City Los Angeles et al.,  
                 v.  
                 Shapero, Shapero & Hurst

Merits:

Argued by Josh Wayser for respondents and by Steven J. Shapero for appellant. Cause submitted.

Mallano, Acting P.J. returns to the bench.

Vogel, J. leaves the bench.

B196819      Herdengen  
                 v.  
                 City of Los Angeles et al.

Merits:

Argued by Diane Marchant for appellant and by Gerald M. Sato for respondents. Cause submitted.

Vogel, J. returns to the bench.

B200226      02 Development, LLC  
                 v.  
                 607 South Park, LLC

Merits:

Argued by David M. Browne for appellant and by Mark L. Block for respondent. Cause submitted.

Mallano, Acting P.J. leaves the bench.

DIVISION ONE (continued)

B186044     Woods  
              v.  
              Union Pacific Railroad Company

Merits:

Argued by V. Andre Sherman for appellant and by David M. Pickett for respondent. Cause submitted.

Mallano, Acting P.J. returns to the bench.

B195318     Fidelity National Title Company  
              v.  
              Manouchehr Tabibzadeh

Merits:

Argued by Manouchehr Tabibzadeh, appellant in propria persona and by Steven C. Huskey for respondent. Cause submitted.

B197829     Bayer-Bel  
              v.  
              Litovsky et al.

Merits:

Argued by Derek L. Tabone for respondent and by David H. Ryan for appellants. Cause submitted.

Rothschild, J. leaves the bench.

B194042     Shiell et al.,  
              v.  
              County of Los Angeles et al.

Merits:

Argued by David R. Markham for appellants and by Elwood Lui for respondents. Cause submitted.

DIVISION ONE (continued)

B194130     Holmgren et al.,  
              v.  
              County of Los Angeles et al.

Merits:  
Argued by Lee W. Contugno for appellants and by Elwood Lui for  
respondents. Cause submitted.

Court recessed.

Court re-convened at 12:56 p.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Jackson, J. (Assigned) and S. Lui  
and S. Stahl, Deputy Clerk.

B187624     Gnesda  
              v.  
              United Parcel Service Inc., et al.

Merits:  
Argued by Erwin Chemerinsky for appellant and by Daniel M. Kolkey for  
respondents. Cause submitted.

Mallano, Acting P.J. leaves the bench.

Rothschild, J. returns to the bench.

B190686     New Century Mortgage  
              v.  
              Schwartz

Merits:  
Argued by Murray Kaminonski for appellant and by Michael W. Connally  
for respondent First American Title Insurance. Cause submitted.

Court recessed.

January 24, 2008 (Continued)

DIVISION ONE (continued)

Court re-convened at 2:12 p.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J. and S. Stahl, Deputy Clerk.

B192049      Ahrens et al.  
                 v.  
                 University of LaVerne

Merits:

Argued by Curtis A. Westfall for appellants and by William Archer for respondent. Cause submitted.

Court adjourned.

999992-08

The Honorable FRANK Y JACKSON, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

March 1, 2008 to April 30, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

January 23, 2008

Ronald M George  
Chief Justice of California and  
Chairperson of the Judicial Council.

## DIVISION ONE (continued)

B197646 People (Not for Publication)

V.

Clark

The judgment is affirmed.

Vogel (Miriam A.), Acting P.J.

We concur:   Rothschild, J.

Jackson, J. (Assigned)

B196191 People (Not for Publication)

V.

Martin

The judgment is affirmed.

Vogel (Miriam A.), Acting P.J.

We concur:   Mallano, J.

Jackson, J. (Assigned)

DIVISION ONE (continued)

B202928      Michael S. Sr., et al.                      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Department of Children and Family Services, r.p.i.)

The three *pro se* petitions are denied. Mike's petition, filed by his court-appointed counsel, is granted and the cause is remanded to the dependency court with directions (1) to transfer the case to another judge, (2) to delete by strikeouts all statements that Mike was the abuser, (3) to conduct a new hearing to determine whether there is any evidence to suggest that it would not be in Michael's best interests to place him with Dr. and Mrs. S., and (4) to make such other orders as are necessary and appropriate. Our stay order shall be vacated as of the date this opinion becomes final.

Vogel (Miriam A.), Acting P.J.

We concur:    Rothschild, J.  
                     Jackson, J. (Assigned)

DIVISION TWO

B196810      Ross Dress for Less, Inc.                      (Not for Publication)  
v.  
Casden Park La Brea Retail LLC

The order is affirmed. Appellant shall pay costs of appeal.

Chavez, J.

We concur:    Boren, P.J.  
                     Ashmann-Gerst, J.

DIVISION TWO (continued)

B201089      Fleming Gray                      (Not for Publication)

v.

Ye Olde King's Head et al.

The judgment is affirmed. Defendants are awarded their costs on appeal.

Chavez, J.

We concur:    Boren, P.J.

Doi Todd, J.

B192450      People                                      (Not for Publication)

v.

Mitchell

The judgment is affirmed.

Chavez, J.

We concur:    Boren, P.J.

Ashmann-Gerst, J.

B196070      1124 Marilyn Drive Development, LLC et al.    (Not for Publication)

v.

Shahram Elyaszadeh

The order granting a new trial is reversed, and the judgment reinstated. The orders declaring Elyaszadeh's other posttrial motions to be moot, and authorizing exoneration of the bond, are vacated. The matter is remanded to the trial court for further proceedings consistent with this opinion. Each party shall bear its own costs of appeal.

Chavez, J.

We concur:    Doi Todd, Acting P.J.

Ashmann-Gerst, J.



## DIVISION TWO, (continued)

B194688 People (Not for Publication)

V.

King

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.

Doi Todd, J.

B197810      Los Angeles County, D.C.S.      (Not for Publication)

V.

Fred C.

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

DIVISION THREE

B198729 People (Not for Publication)

V.

Clyde T.,

The order continuing wardship is affirmed.

Klein, P.J.

We concur:   Croskey, J.

Kitching, J.

### DIVISION THREE (continued)

B189274      Moore      (Not for Publication)

V.

County of Los Angeles, et al.

The judgment is affirmed; Moore to bear costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B198118 County of Los Angeles (Certified for Publication)

V.

Superior Court, Los Angeles County  
(Joe Oronoz, et al., r.p.i.)

The county's petition in these consolidated proceedings is denied. Each party shall bear its own costs incurred in these appellate proceedings.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B195063 Fire Insurance Exchange, et al. (Not for Publication)

V.

Brambilla

The judgment is affirmed. Fire Insurance Exchange to recover costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

### DIVISION THREE (continued)

B197412 Jennifer T.  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B194280      People                    (Not for Publication)  
v.  
Mays

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.  
Suzukawa, J.

B196776      Angulo      (Not for Publication)  
v.  
Angulo

The order is affirmed. Respondent(s) to recover costs.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

## DIVISION FOUR (continued)

B196456 People (Not for Publication)  
v.  
Lewis

The true finding as to the strike allegation is reversed, and the matter is remanded to the trial court for retrial of this issue in a manner consistent with this opinion. In the event the prior serious felony allegation is not proved beyond a reasonable doubt, appellant shall be resentenced. In all other respects, the judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

B197528 People (Not for Publication)  
v.  
Briseno

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B195298      Terajima, et al.      (Not for Publication)  
v.  
Torrance Memorial Medical Center

The judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

## DIVISION FOUR (continued)

B188184 Hand (Not for Publication)  
v.  
Hand

The judgment is reversed as to the parties' respective interests in the loan payable by B&H, and the cause is remanded for determination of these interests, and for consideration of imposition of sanctions against Thomas for failure to disclose this asset. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

[illegible]

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

DIVISION FOUR (continued)

B197381      Los Angeles County, D.C.S.      (Certified for Publication)

v.

Silvia R.

The disposition order is reversed to the extent it directed Stepfather and Kevin to participate in counseling and other programs. In all other respects, the disposition order is affirmed in full.

Willhite, J.

We concur:   Epstein, P.J.  
                     Suzukawa, J.

B195097      Avivi

v.

Centro Medico Urgente Medical Center et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION FIVE

B197607      People      (Not for Publication)

v.

Giovanny O.

The clerk of the juvenile court is directed to prepare an amended minute order correcting condition 15 to read "Do not associate with anyone known to you to be disapproved of by your parents or Probation Officer." The clerk is directed to deliver an amended copy to all affected persons. The juvenile court's orders are affirmed in all other respects.

Armstrong, Acting P.J.

We concur:   Mosk, J.  
                     Kriegler, J.

DIVISION SIX

B197077      CKE Restaurants, Inc.      (Certified for Publication)  
v.  
Moore

The judgment is affirmed. Costs on appeal are awarded to respondents.

Coffee, J.

We concur:   Gilbert, P.J.  
                 Perren, J.

B190825      People      (Not for Publication)  
v.  
Ruberoe

The order awarding the victim's mother \$30,000 in direct restitution is stricken. The trial court shall forward an amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.

Coffee, J.

We concur:   Gilbert, P.J.  
                 Yegan, J.

DIVISION SEVEN

B199394      People      (Not for Publication)  
v.  
Lasslett

The judgment is affirmed.

Perluss, P.J.

We concur:   Woods, J.  
                 Zelon, J.

January 24, 2008 (Continued)

## DIVISION SEVEN (continued)

999987-08

The Honorable JOHN SHEPARD WILEY, JR., Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Seven, as a justice thereof, on the following dates:

January 23, 2008 to February 29, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

January 22, 2008

Ronald M George  
Chief Justice of California and  
Chairperson of the Judicial Council

## DIVISION EIGHT

B197531 People (Not for Publication)  
v.  
King

The case is remanded to the trial court with instructions that the restitution and parole revocation fines should be reduced to \$200.00 each.

Cooper, P.J.

We concur: Rubin, J.  
Egerton, J. (Assigned)



## DIVISION EIGHT (continued)

B182347 People (Not for Publication)  
v.  
Kelly

The judgment is reversed with respect to the sentence imposed in count 5 and the matter is remanded for resentencing in accordance with this opinion. In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

[illegible]

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Egerton, J. (Assigned)

January 24, 2008 (Continued)

DIVISION EIGHT (continued)

999990-08

The Honorable Anne Harwood Egerton, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Eight, as a justice thereof, on the following dates:

February 6, 2008 to April 30, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

January 23, 2008

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council